

**COMMITTEE ON SPECIAL PERMITS**  
**As a Committee of the Whole**  
**MONDAY, FEBRUARY 7, 2022, at 7:06 p.m.**  
**WOBURN CITY HALL**  
**CITY COUNCIL CHAMBERS**

Voting members present: Chairman Richard Gately, Councilor Darlene Mercer-Bruen, Councilor Charles Viola, Councilor Lou DiMambro, President Michael Concannon, Councilor Robert Ferullo, Councilor Jeffrey Dillon, and Councilor Joseph Demers. Absent: Councilor Joanne Campbell

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**MOTION** made by President Concannon and seconded by Councilor Demers to return to the regular order of business as posted on the agenda; in favor, 8-0.

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**Reading and approval of meeting minutes of January 24, 2022:** Motion made by Councilor Mercer-Bruen and seconded by Councilor Demers to approve the minutes of the previous meeting; in favor, 8-0.

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**Loco Donuts, LLC for a special permit pursuant to Section 5.1(29), Section 5.1(63A), and Section 12 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for a fast food restaurant (Dunkin Donuts) with a drive thru, at 36 Commerce Way:** Representing the petitioner were Attorney Joseph Tarby, Rubin Rudman LLP, 600 Unicorn Park, Woburn, MA; Benjamin Osgood, Ranger Engineering & Design LLC, 13 Red Roof Lane, Suite 203, Salem, N.H.; and Jason Pino, Loco Donuts LLC, 36 Commerce Way. Attorney Tarby presented a list of proposed conditions to the special permit. Motion made by Councilor Mercer-Bruen and seconded by Councilor Demers to accept a communication from Attorney Tarby entitled “Proposed Conditions to Special Permit Petition Loco Donuts LLC 36 Commerce Way Woburn MA February 7, 2022;” in favor, 8-0. Attorney Tarby said since the public hearing there was a site visit conducted by Councilor Mercer-Bruen and Building Commissioner Thomas Quinn. He said the site plan was subsequently revised and copies were distributed to members of the City Council last week. He said Mr. Osgood will review the revisions. Mr. Osgood said a 500-year flood plain was added. He said the entrance was narrowed from 18 feet to 16 feet on the east-bound side of Commerce Way to the site driveway. He said the sidewalk was extended so pedestrians can see cars easier. He said there will be parking spaces marked for tenants, and spaces marked for Dunkin’ Donuts customers. He said a striped box will be added to indicate an area where cars should not be. He said there is space for six cars between the order window and the pickup window. He said the drive-through lane can accommodate 13 cars. He said there are no other major adjustments, but there were some other minor changes. Councilor Mercer-Bruen said she and Commissioner Quinn recently undertook a site visit. She said among their concerns was pedestrian safety. She said she does not know if Commissioner Quinn has had time to weigh

in on the changes. She said she is worried about what happens when the building is at full occupancy. She said she would like to see a parking plan that shows full occupancy. She said there is also concern about people crossing over Commerce Way. She said she does not want cars queuing on Commerce Way, and there was a discussion about hiring a police detail if that happens. She said she does not think there will be a problem, but she would like to have a contingency plan just in case. She asked the petitioner will explain how truck deliveries were handled. Mr. Pino said the same company also operates the Dunkin' Donuts on Mishawum Road. Mr. Pino said delivery of product will take place between 1-3:30 a.m. on a daily basis. He said delivery of supplies will occur weekly. He said they can work deliveries around the expected peak hours. Councilor Mercer-Bruen said she would like to see delivery hours added as a condition. She said she is concerned about preventing delivery trucks from driving over the curbing to enter the site and asked if the applicant thinks that will be a problem. Mr. Pino said deliveries will be made in small box trucks that should be able to adequately access the site, and at a time that is convenient. Councilor Mercer-Bruen said she is worried about truckers who come in to get coffee and park wherever they want. Mr. Pino said he does not feel that will be an issue. Councilor Mercer-Bruen said another concern is what happens if a big truck takes up 3-4 parking spaces. She said she thinks Dunkin' Donuts at that site is going to get a lot of truck traffic. She said she thinks it's a great location, provided the council and the petitioner can work out all these issues. She said she has submitted some additional comments to Attorney Tarby. Councilor DiMambro said he is seeing the petition from a different angle. He said he drove to the site and spoke to some of the tenants. He said they expressed their concerns about traffic. He said a Dunkin' Donuts will be very popular. He said his concern is the layout of the drive-through. He said he is concerned that drive-through customers will not take a left out of the drive-through lane onto Commerce Way, but instead take a right out of the drive-through lane back into the parking lot to double back to Cabot Road, then turning left onto Commerce Way and then toward the Route 93. He said his other concern is parking for the tenants. He said he thinks the tenants ought to get priority. He said he does not see any walkways to get the tenants into the building. He said he also has a concern about the lack of crosswalks on Commerce Way. He said if pedestrians have to cross where Cabot Road meets Commerce Way, that will be a nightmare. Councilor Mercer-Bruen said she does not think there is anything that cannot be worked out. She said her primary concern is that the parking lot is safe. She said the property owner has the authority to tell people where to park, but it is the council's responsibility to make sure the parking lot is safe. She said trucks parking on Commerce Way could happen. She said one of the reasons why the Dunkin' Donuts in the South End works is because the owner is extremely proactive. She said that needs to happen here. She said she will also ask the applicant to monitor the parking lot for trash. She said there are things the council and the applicant can work through. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to open the meeting to comments from the public; approved, 8-0. Laurel Francoeur, no address given, said she is an attorney and a tenant in the building who is very opposed to the addition of a Dunkin' Donuts at that site. She said there have been four accidents in the past two years at the intersection of Cabot Road and Commerce Way. She said if a Dunkin' Donuts is approved the number of accidents will increase exponentially. She said today there were 21 tenants parked at 36 Commerce Way. She said the landlord recently rented space to a beauty school, which will increase the demand for parking. She said the tenants were not given notice this is happening. She said the tenants found out about it in the newspaper. She said there has been issues with heat in the building. She said the temperature in the building was 56 degrees. She said they had to use

space heaters. She said the livelihood of the tenants will be impacted by the addition of a Dunkin' Donuts. She said there is a gentleman who works in the building who uses a handicapped-accessible parking space, and if that is not available he will have to cross the parking lot to get to the building. She said none of this makes sense. She said this is a money grab. She said the tenants won't be able to get into the building. She said there will be more traffic. She said the tenants also pay taxes. She said their needs should not be diminished. Councilor Mercer-Bruen said she is going to recommend that this petition be kept in committee for now. She said the City Council has the responsibility to make sure this operation is safe. She said she hopes the property owner will listen to the tenants' concerns. Motion made by Councilor Mercer-Bruen and seconded by Councilor Dillon to send a communication to the Woburn Police Dept. requesting motor vehicle crash data from last year at the intersection of Commerce Way and Cabot Road; approved, 8-0. Councilor Mercer-Bruen said the committee is waiting for the final development impact statement from the City Engineer's office. Chairman Gately asked if anyone else in the audience wished to address the committee in regard to the petition. There were no respondents. Motion made by President Concannon and seconded by Councilor Demers to return to the regular order of business; approved, 8-0. Councilor Mercer-Bruen said she would like to keep the matter in committee. Chairman Gately said he is not too sure. He said there are a lot of problems in that area and he does not see how the addition of a Dunkin' Donuts is going to help. He said the concerns about tractor-trailers is legitimate. He said there are a lot of businesses crammed into that area. He said the area draws a lot of people. Councilor Mercer-Bruen said the committee ought to consider what the parking plan looks like. She said she had concerns with Chick-fil-A on Washington Street and it turned out she was 100 percent right. She said she is not as concerned that a Dunkin' Donuts with a drive-through will be as detrimental to this area. Chairman Gately said he is concerned about the safety of pedestrians. Councilor Mercer-Bruen said she wants to hear from the police. She said the committee is still lacking enough information to make a recommendation and she wants to keep the matter in committee.

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**Motion made** by Councilor Mercer-Bruen and seconded by Councilor Demers to adjourn; in favor, 8-0. Chairman Gately adjourned the meeting at 7:41 p.m.

A TRUE RECORD ATTEST

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Gordon Vincent  
Clerk of Committees